

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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|---------------------|---|--|
| DENNIS SUDBERRY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| ISIDRO BACA et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |
| DENNIS SUDBERRY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| ISIDRO BACA et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |

3:15-cv-00402-RCJ-VPC

3:15-cv-00612-RCJ-VPC

ORDER

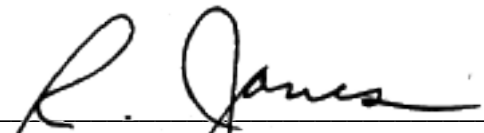
In the ‘402 Case, Plaintiff sued Defendants under 42 U.S.C. § 1983 for allegedly violating his Eighth Amendment rights. The Court dismissed with prejudice and denied a motion to reconsider. In the ‘612 Case, Plaintiff sued Defendants under § 1983 for allegedly violating his First and Fourteenth Amendment rights. The Court dismissed with leave to amend and later dismissed the First Amendment claim without leave to amend when Plaintiff chose to bring only that claim upon amendment.

1 Plaintiff has asked the undersigned to recuse in both cases based on the fact that the Court
2 has ruled adversely to Plaintiff in both cases. The Court denies the motions, as Plaintiff alleges
3 no extrajudicial bias. *See Hasbrouck v. Texaco, Inc.*, 842 F.2d 1034, 1045–46 (9th Cir. 1987).
4 Specifically, “a judge’s prior adverse ruling is not sufficient cause for recusal.” *United States v.*
5 *Studley*, 783 F.2d 934, 939 (9th Cir. 1986).

6 **CONCLUSION**

7 IT IS HEREBY ORDERED that the Motions to Recuse (ECF No. 27 in Case No. 3:15-
8 cv-402 and ECF No. 18 in Case No. 3:15-cv-612) are DENIED.

9 Dated this 24th day of August, 2016.

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12 ROBERT C. JONES
13 United States District Judge
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